

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Rainbow DBS Company LLC	)	
	)	
v.	)	CSR-6414-P
	)	
iN DEMAND, L.L.C.	)	
	)	
	)	

**ORDER**

**Adopted: April 26, 2005**

**Released: April 27, 2005**

By the Deputy Chief, Policy Division, Media Bureau:

1. On October 8, 2004, a program access complaint was filed on behalf of Rainbow DBS Company LLC (“VOOM”)<sup>1</sup> against iN DEMAND, L.L.C. (“ID”) pursuant to Sections 628(b) and (c) of the Communications Act of 1934,<sup>2</sup> as amended, and Sections 76.7(a) and 76.1003(a) of the Commission’s rules.<sup>3</sup> VOOM alleged that ID violated Section 628(b) of the Act because it refused to negotiate a non-discriminatory, commercially reasonable agreement with VOOM for carriage of ID’s INHD1 and INHD2 high definition television programming channels.<sup>4</sup> VOOM also alleged that ID violated Section 628(c) of the Act and Section 76.1002(c)(2) of the Commission’s rules because ID made its programming available exclusively to cable television operators.<sup>5</sup> On April 13, 2005, citing recent developments related to VOOM’s operations, a letter was submitted withdrawing VOOM’s program access complaint against ID.

2. Accordingly, the request to withdraw the program access complaint filed by Rainbow DBS Company LLC against iN DEMAND, L.L.C. is **GRANTED** and the complaint **IS HEREBY DISMISSED**.

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckaert  
Deputy Chief, Policy Division  
Media Bureau

<sup>1</sup> VOOM is a registered trademark of Rainbow DBS.

<sup>2</sup> 47 U.S.C. § 548(b) and (c).

<sup>3</sup> 47 C.F.R. §§ 76.7(a) and 76.1003(a).

<sup>4</sup> 47 U.S.C. § 548(b).

<sup>5</sup> 47 U.S.C. § 548(c); 47 C.F.R. § 76.1002(c)(2).